

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte URBAN LINDH

Appeal No. 2005-0526
Application No. 09/834,909

ON BRIEF¹



Before THOMAS, BLANKENSHIP, and MACDONALD, Administrative Patent Judges.
BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-20, which are all the claims in the application.

We affirm.

¹ Appellant's counsel waived presence at an oral hearing scheduled for August 10, 2005.

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BACKGROUND

The invention relates to a method for obtaining patent information across a plurality of databases, categorizing the information, and displaying the information. Representative claim 1 is reproduced below.

1. A method for managing data, comprising the steps of:
 - creating a parameter file;
 - establishing a link with a database;
 - importing bibliographic data from the database based on the parameter file;
 - grouping the imported data into at least one category;
 - storing the bibliographic data in at least one internal database;
 - linking together the corresponding imported data to form a record;
 - selecting at least one category for viewing;
 - retrieving the records from the selected categories; and displaying the records by the selected categories.

The examiner relies on the following reference:

Unger et al. (Unger) 5,721,910 Feb. 24, 1998

Claims 1-9, 11, 12, and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by Unger.

Claims 10 and 13-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Unger.

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The examiner has expressly withdrawn a rejection of claims 1-12 under 35 U.S.C. § 101.

We refer to the Final Rejection (Paper No. 11) and the Examiner's Answer (Paper No. 15) for a statement of the examiner's position and to the Brief (Paper No. 14) for appellant's position with respect to the claims which stand rejected.

OPINION

We will consider each claim that is separately argued by appellant. See 37 CFR § 1.192(c)(7) (2003).

Instant claim 1 recites, inter alia, creating a parameter file and importing bibliographic data from the database based on the parameter file. Appellant submits (Brief at 12) that Unger neither discloses nor suggests a parameter file as claimed.

The examiner responds (Answer at 7-8) by pointing out that the "parameter file" as disclosed in the instant specification (at pages 6 and 7, ¶ 29) is a file created for extracting data from a database. As disclosed, the parameter file may be based on any bibliographical information, such as title, access number, or classification code. According to the examiner, the list of search parameters used by Unger corresponds to the "parameter file" as claimed.

Unger at column 6, line 56 through column 7, line 45 describes using a set of pre-defined search protocols to gather and automatically categorize documents. For

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each category, a predefined set of search parameters may be created comprised of search terms such as U.S. Patent Classification and Title Text. The pre-defined search strategies may be conducted on a commercial database system and the results stored in a local electronic database. Unger provides an example (col. 7, ll. 54-65) whereby a patent's unique identifier is stored in a local database, prior to further processing taught by the reference. Whether or not the data comprising the unique identifier may be considered "bibliographic" data is unimportant, in view of the claimed subject matter. The data that is imported in instant claim 1 is a mere arrangement of data having no functional interrelationship with the devices in the claim. As such, the data is nonfunctional descriptive material, treated in Manual of Patent Examining Procedure (MPEP) § 2106 (8th ed., Rev. 2, May 2004). The details of the "data" cannot distinguish the data over any data retrieved, stored, and processed in Unger.

Unger thus discloses, consistent with the examiner's finding, a predefined set of search parameters that meets the terms of the "parameter file" as claimed. We sustain the rejection of claim 1.

Appellant argues, in regard to instant claim 10, there is no suggestion in Unger for displaying data in a spreadsheet format. According to appellant, Unger "specifically" discloses displaying the organized data in a "graphical" format. (Brief at 13-14.)

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Unger discloses displaying data in a graphical format. However, Unger also teaches displaying data in a spreadsheet format. See, for example: the upper right portion of Figure 1; column 9, lines 14 though 16; and Tables 1 through 7. We sustain the rejection of claim 10.

With respect to claim 13, appellant argues that Unger fails to disclose a selection component that allows a user to select particular data of a record and the format of the data for display. We agree with the examiner (Answer at 10-11) that the claim 13 recitation of a “selection component” is described in the text of Unger. Further, the “component” is taught by the numerous descriptions of tabular and graphical display of data in the reference. We sustain the rejection of claim 13.

We sustain the rejection of claim 18. We agree with the examiner (Answer at 11-12) that Unger teaches marking data with an indication of priority within the meaning of the claim at, for example, column 4, lines 48 through 54.

We also sustain the rejection of claim 19. The claim recites that the data imported includes the number of references cited to a patent. Similar to the imported data of instant claim 1, the imported data of claim 19 is a mere arrangement of data having no functional interrelationship with the devices in the claim -- i.e., nonfunctional descriptive material that cannot distinguish over the prior art.

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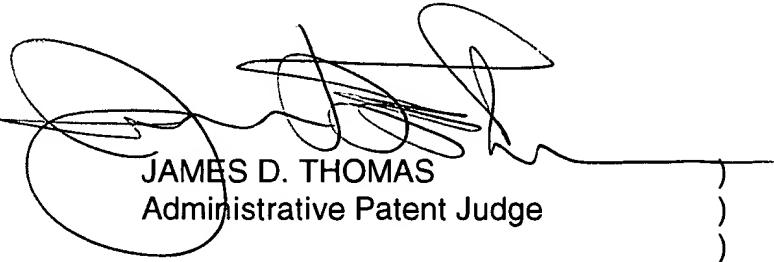
We have considered all of appellant's arguments but are not persuaded of error in the rejection of any claim. We sustain the rejection of claims 1-9, 11, 12, and 20 under 35 U.S.C. § 102 and the rejection of claims 10 and 13-19 under 35 U.S.C. § 103.

CONCLUSION

The rejection of claims 1-9, 11, 12, and 20 under 35 U.S.C. § 102 and the rejection of claims 10 and 13-19 under 35 U.S.C. § 103 over Unger are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge



HOWARD B. BLANKENSHIP
Administrative Patent Judge

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ALLEN R. MACDONALD
Administrative Patent Judge

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